

Message

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**From:** Mendelsohn, Mike [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=720B16E1B31742738A728D8D2814BEEF-MENDELSON, MIKE]  
**Sent:** 8/12/2020 3:40:27 PM  
**To:** Overstreet, Anne [overstreet.anne@epa.gov]  
**Subject:** FW: Oxitec (again) - Lawsuit Pending - Attorney Client Privileged  
**Attachments:** Response to Rep. Mucarsel-Powell Request on Oxitec 7.24.20 Redline\_PTSLO reviewwb 0805 (003).docx

Anne,

Attached is edits to the Oxitec Congressional letter based on OGC input. I think we are ready to send to Christina in FEAD once you are ok with the letter.

Mike M.

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**From:** Bohnenblust, Eric <Bohnenblust.Eric@epa.gov>  
**Sent:** Wednesday, August 12, 2020 10:50 AM  
**To:** Schwarz, Stephanie <Schwarz.Stephanie@epa.gov>  
**Cc:** Mendelsohn, Mike <Mendelsohn.Mike@epa.gov>; Milewski, Elizabeth <Milewski.Elizabeth@epa.gov>  
**Subject:** RE: Oxitec (again) - Lawsuit Pending - Attorney Client Privileged

Thanks!

Eric Bohnenblust, Ph.D  
Senior Biologist  
Emerging Technologies Branch (ETB)  
Biopesticides and Pollution Prevention Division (BPPD)  
Phone: 703-347-0426  
Email: [Bohnenblust.eric@epa.gov](mailto:Bohnenblust.eric@epa.gov)

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**From:** Schwarz, Stephanie  
**Sent:** Wednesday, August 12, 2020 10:39 AM  
**To:** Bohnenblust, Eric <Bohnenblust.Eric@epa.gov>  
**Cc:** Mendelsohn, Mike <Mendelsohn.Mike@epa.gov>; Milewski, Elizabeth <Milewski.Elizabeth@epa.gov>  
**Subject:** RE: Oxitec (again) - Lawsuit Pending - Attorney Client Privileged

Hi Eric,

Thanks for further clarifying the rationale. I don't have any additional comments on that paragraph.

Stephanie

Stephanie Schwarz  
EPA Office of General Counsel  
Pesticides and Toxic Substances Law Office  
T: 202-564-8496  
E: [schwarz.stephanie@epa.gov](mailto:schwarz.stephanie@epa.gov)

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**From:** Bohnenblust, Eric <Bohnenblust.Eric@epa.gov>  
**Sent:** Wednesday, August 12, 2020 10:23 AM  
**To:** Schwarz, Stephanie <Schwarz.Stephanie@epa.gov>

**Cc:** Mendelsohn, Mike <[Mendelsohn.Mike@epa.gov](mailto:Mendelsohn.Mike@epa.gov)>; Milewski, Elizabeth <[Milewski.Elizabeth@epa.gov](mailto:Milewski.Elizabeth@epa.gov)>

**Subject:** RE: Oxitec (again) - Lawsuit Pending - Attorney Client Privileged

Stephanie,

We have one follow up request to the OGC comments on this document. We made some edits in the third paragraph to make clearer why we didn't extend the comment period per your and Chris K.'s comments. Could you look at the third paragraph and let us know if that is a bit clearer now?

Thanks.

Eric Bohnenblust, Ph.D  
Senior Biologist  
Emerging Technologies Branch (ETB)  
Biopesticides and Pollution Prevention Division (BPPD)  
Phone: 703-347-0426  
Email: [Bohnenblust.eric@epa.gov](mailto:Bohnenblust.eric@epa.gov)

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**From:** Mendelsohn, Mike

**Sent:** Tuesday, August 11, 2020 5:24 PM

**To:** Bohnenblust, Eric <[Bohnenblust.Eric@epa.gov](mailto:Bohnenblust.Eric@epa.gov)>; Milewski, Elizabeth <[Milewski.Elizabeth@epa.gov](mailto:Milewski.Elizabeth@epa.gov)>

**Subject:** FW: Oxitec (again) - Lawsuit Pending - Attorney Client Privileged

This looks good to me. Stephanie and Ben have now weighed in. Eric can you touch bases with Ben as to whether Amber should look at in Chris K's absence or whether we are good to go from OGC. I'll set up a short meeting for the 3 of us to discuss. Thanks!

Mike

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**From:** Mendelsohn, Mike

**Sent:** Friday, August 07, 2020 12:07 PM

**To:** Schwarz, Stephanie <[Schwarz.Stephanie@epa.gov](mailto:Schwarz.Stephanie@epa.gov)>

**Cc:** Wakefield, Benjamin J. <[wakefield.benjamin@epa.gov](mailto:wakefield.benjamin@epa.gov)>

**Subject:** FW: Oxitec (again) - Lawsuit Pending - Attorney Client Privileged

Stephanie,

My apologies. I mistakenly sent to Christina Swartz in HED. Can you take a look and advise. Ben has added his comments.

Mike

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**From:** Mendelsohn, Mike

**Sent:** Thursday, August 06, 2020 2:07 PM

**To:** Milewski, Elizabeth <[Milewski.Elizabeth@epa.gov](mailto:Milewski.Elizabeth@epa.gov)>; Swartz, Christina <[Swartz.Christina@epa.gov](mailto:Swartz.Christina@epa.gov)>; Wakefield, Benjamin J. <[wakefield.benjamin@epa.gov](mailto:wakefield.benjamin@epa.gov)>; Kaczmarek, Chris <[Kaczmarek.Chris@epa.gov](mailto:Kaczmarek.Chris@epa.gov)>; Bohnenblust, Eric <[Bohnenblust.Eric@epa.gov](mailto:Bohnenblust.Eric@epa.gov)>

**Subject:** FW: Oxitec (again) - Lawsuit Pending - Attorney Client Privileged

Ben, Christina, and Elizabeth,

Can you take a look at Eric's edits and advise. Please make edits and insert comments into the one drive version. We are getting pressure to respond to the congressman. Thanks!

Mike Mendelsohn, Chief  
Emerging Technologies Branch  
Biopesticides and Pollution Prevention Division (7511P)  
Office of Pesticide Programs  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue NW  
Washington DC 20460  
(703) 308-8715  
(703) 463-7302 Mobile

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**From:** Bohnenblust, Eric <[Bohnenblust.Eric@epa.gov](mailto:Bohnenblust.Eric@epa.gov)>  
**Sent:** Wednesday, August 05, 2020 11:04 AM  
**To:** Mendelsohn, Mike <[Mendelsohn.Mike@epa.gov](mailto:Mendelsohn.Mike@epa.gov)>  
**Subject:** RE: Oxitec (again) - Lawsuit Pending - Attorney Client Privileged

Mike,

I made some edits per Chris and Ben's comments, they are in track changes. There are a couple comments I didn't edit about the genetic construct being what we regulate and I remember Elizabeth not wanting to get into detail about that but I don't specifically remember why at the moment. Maybe check with her. I don't think we need to include a refer to guidance 236 but we could also add that, I didn't address that comment either.

Eric Bohnenblust, Ph.D  
Senior Biologist  
Emerging Technologies Branch (ETB)  
Biopesticides and Pollution Prevention Division (BPPD)  
Phone: 703-347-0426  
Email: [Bohnenblust.eric@epa.gov](mailto:Bohnenblust.eric@epa.gov)

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**From:** Motilall, Christina  
**Sent:** Wednesday, August 5, 2020 10:24 AM  
**To:** Mendelsohn, Mike <[Mendelsohn.Mike@epa.gov](mailto:Mendelsohn.Mike@epa.gov)>; Overstreet, Anne <[overstreet.anne@epa.gov](mailto:overstreet.anne@epa.gov)>; McNally, Robert <[Mcnally.Robert@epa.gov](mailto:Mcnally.Robert@epa.gov)>; Bohnenblust, Eric <[Bohnenblust.Eric@epa.gov](mailto:Bohnenblust.Eric@epa.gov)>  
**Subject:** RE: Oxitec (again) - Lawsuit Pending - Attorney Client Privileged

-OGC

Hi there,

## Ex. 5 Deliberative Process (DP)

Thank you!

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**From:** Wakefield, Benjamin J. <[wakefield.benjamin@epa.gov](mailto:wakefield.benjamin@epa.gov)>  
**Sent:** Thursday, July 30, 2020 5:47 PM

**To:** Mendelsohn, Mike <[Mendelsohn.Mike@epa.gov](mailto:Mendelsohn.Mike@epa.gov)>; Motilall, Christina <[Motilall.Christina@epa.gov](mailto:Motilall.Christina@epa.gov)>; Overstreet, Anne <[overstreet.anne@epa.gov](mailto:overstreet.anne@epa.gov)>; McNally, Robert <[McNally.Robert@epa.gov](mailto:McNally.Robert@epa.gov)>; Bohnenblust, Eric <[Bohnenblust.Eric@epa.gov](mailto:Bohnenblust.Eric@epa.gov)>; Kaczmarek, Chris <[Kaczmarek.Chris@epa.gov](mailto:Kaczmarek.Chris@epa.gov)>; Schwarz, Stephanie <[Schwarz.Stephanie@epa.gov](mailto:Schwarz.Stephanie@epa.gov)>

**Subject:** RE: Oxitec (again) - Lawsuit Pending - Attorney Client Privileged

Mike,

Please see the attached, to which PTSLO has added our comments.

Thanks.

- Ben

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Benjamin J. Wakefield  
U.S. Environmental Protection Agency  
Office of General Counsel, Pesticides & Toxic Substances Law Office  
1200 Pennsylvania Ave., N.W., Mail Code 2333A  
Washington, D.C. 20460  
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**From:** Mendelsohn, Mike <[Mendelsohn.Mike@epa.gov](mailto:Mendelsohn.Mike@epa.gov)>

**Sent:** Thursday, July 30, 2020 11:37 AM

**To:** Motilall, Christina <[Motilall.Christina@epa.gov](mailto:Motilall.Christina@epa.gov)>; Overstreet, Anne <[overstreet.anne@epa.gov](mailto:overstreet.anne@epa.gov)>; McNally, Robert <[McNally.Robert@epa.gov](mailto:McNally.Robert@epa.gov)>; Bohnenblust, Eric <[Bohnenblust.Eric@epa.gov](mailto:Bohnenblust.Eric@epa.gov)>; Wakefield, Benjamin J. <[wakefield.benjamin@epa.gov](mailto:wakefield.benjamin@epa.gov)>; Kaczmarek, Chris <[Kaczmarek.Chris@epa.gov](mailto:Kaczmarek.Chris@epa.gov)>; Schwarz, Stephanie <[Schwarz.Stephanie@epa.gov](mailto:Schwarz.Stephanie@epa.gov)>

**Subject:** RE: Oxitec (again) - Lawsuit Pending - Attorney Client Privileged

Christina,

This looks good to me, but my understanding is that we have received a notice of intent to sue under ESA for this action and could be sued under FIFRA as well. Given these recent developments, I think OGC should review the letter before it goes out. I have a meeting with them at 12 today and will discuss and get back to you regarding their input. Thanks.

Mike Mendelsohn, Chief  
Emerging Technologies Branch  
Biopesticides and Pollution Prevention Division (7511P)  
Office of Pesticide Programs  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue NW  
Washington DC 20460  
(703) 308-8715  
(703) 463-7302 Mobile

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**From:** Motilall, Christina <[Motilall.Christina@epa.gov](mailto:Motilall.Christina@epa.gov)>  
**Sent:** Wednesday, July 29, 2020 8:39 AM  
**To:** Overstreet, Anne <[overstreet.anne@epa.gov](mailto:overstreet.anne@epa.gov)>; McNally, Robert <[McNally.Robert@epa.gov](mailto:McNally.Robert@epa.gov)>  
**Cc:** Mendelsohn, Mike <[Mendelsohn.Mike@epa.gov](mailto:Mendelsohn.Mike@epa.gov)>  
**Subject:** RE: Oxitec (again)

Morning all,

Didn't receive anything yesterday, just wondering if I could please get something back today. Thank you!

Best,  
Christina

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**From:** Motilall, Christina  
**Sent:** Friday, July 24, 2020 9:24 AM  
**To:** Overstreet, Anne <[overstreet.anne@epa.gov](mailto:overstreet.anne@epa.gov)>; McNally, Robert <[McNally.Robert@epa.gov](mailto:McNally.Robert@epa.gov)>  
**Cc:** Mendelsohn, Mike <[Mendelsohn.Mike@epa.gov](mailto:Mendelsohn.Mike@epa.gov)>  
**Subject:** RE: Oxitec (again)

Thanks Anne! Sorry Mike, I thought I added you to this, apologies! Documents attached.

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**From:** Overstreet, Anne <[overstreet.anne@epa.gov](mailto:overstreet.anne@epa.gov)>  
**Sent:** Friday, July 24, 2020 9:22 AM  
**To:** Motilall, Christina <[Motilall.Christina@epa.gov](mailto:Motilall.Christina@epa.gov)>; McNally, Robert <[McNally.Robert@epa.gov](mailto:McNally.Robert@epa.gov)>  
**Cc:** Mendelsohn, Mike <[Mendelsohn.Mike@epa.gov](mailto:Mendelsohn.Mike@epa.gov)>  
**Subject:** RE: Oxitec (again)

Will do, Christina. I'm looping in Mike as well.  
Best,  
Anne



Anne Overstreet, Deputy Director  
Biopesticides and Pollution Prevention Division  
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[Overstreet.anne@epa.gov](mailto:Overstreet.anne@epa.gov)  
<http://www.epa.gov/pesticides>

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**From:** Motilall, Christina <[Motilall.Christina@epa.gov](mailto:Motilall.Christina@epa.gov)>  
**Sent:** Friday, July 24, 2020 9:11 AM  
**To:** Overstreet, Anne <[overstreet.anne@epa.gov](mailto:overstreet.anne@epa.gov)>; McNally, Robert <[McNally.Robert@epa.gov](mailto:McNally.Robert@epa.gov)>  
**Subject:** Oxitec (again)

Hi there,

The attached letter went up the review chain and came back with some comments after getting jammed up a bit. I am attaching a redline version so you can see the edits made, they are minor, and also the clean version. It was suggested

by the OCSPP IO that I add in some leading words for some of the paragraphs as well. The incoming letter is also attached.

This is moving again, so if I could get your feedback by COB Tuesday, that would be much appreciated!

Thank you!

Best,  
Christina

Christina Motilall (*she/her/hers*)  
Acting Team Leader, Communication Services Branch  
Office of Pesticide Programs  
U.S. Environmental Protection Agency  
Desk: (202) 564-1287 | Cell: (202) 860-5122